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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,024 08/17/98 KATO

M 05905.0056

EXAMINER

TM02/0223

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GOOD JOHNSON, M

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

02/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/135,024

Applicant(s)

KATO ET AL.

Examiner

Motilewa A. Good-Johnson

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 15 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7, 8.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: application, filed on 08/17/1998; Preliminary Amendment A, filed on 08/17/1998; IDS, paper #7, filed on 07/09/1999; IDS, paper #8, filed on 09/01/1999; Response filed on 09/20/2000; Amendment B, filed on 02/08/2001.
2. Claims 1-3 and 15 are pending in the case. Claims 1 and 2 are independent claims. Claim 15 has been amended.
3. The present title of the application is "Data Processing Apparatus and Processing Method and Medium Therefor" (as originally filed).

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al, U.S. Patent Number 5,563,992, "Face Image Creation Device and Method Using Part Images of the Plural Parts of the Face Image", class 345/435, 10/08/1996.

As per independent claim 1, "an image processing apparatus for placing into predetermined positions multiple polygons . . . wherein a game character comprises: said reference polygon; and component polygons that do not have articulating components . . . and comprising a processor for computing said reference polygon based on said position information . . ." Murata et al. discloses in figures 3A-3C.

As per independent claim 2, "an image processing apparatus for placing into predetermined positions multiple polygons . . . wherein features configuring game character expressions comprise: multiple polygons provided with position data relative to a reference point and comprising a processor for executing predetermined image processing, when altering facial expressions, only on polygons of features corresponding to altered expressions." Murata et al. discloses in figure 4.

With respect to dependent claim 3, ". . . processor is capable of performing image processing independently on said polygons, through rotation, enlargement, reduction, or movement." Murata et al. discloses in figures 13A-13D.

With respect to dependent claim 15, "a medium on which is stored a program for causing a computer to function as a processor and data system cited in any of claims 1-3." Murata et al. discloses in col. 3, lines 44-49.

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Conclusion

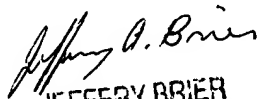
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,966,137 Murata 345/435 10/12/1999 11/01/1996

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.


JEFFERY BRIER
PRIMARY EXAMINER

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj
February 21, 2001